

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

**CHARLES PATRICK PRATT and
A.E.P. through her parents and next friends
Bobbi Lynn Petranchuk and Todd Edward
Petranchuk,**

Plaintiffs,

**AMENDED AND
SUPPLEMENTAL NOTICE OF
DEFENDANT INDIAN RIVER
CENTRAL SCHOOL
DISTRICT'S MOTION IN
LIMINE AND FOR
PROTECTIVE ORDER**
Case No.: 7:09-cv-411 (GTS/GHL)

v.

**INDIAN RIVER CENTRAL SCHOOL
DISTRICT; INDIAN RIVER CENTRAL
SCHOOL DISTRICT BOARD OF
EDUCATION; JAMES KETTRICK,
Superintendent of Indian River Central School
District, in his official and individual
Capacities; TROY DECKER, Principal of
Indian River High School, in his official and
Individual capacities; and JAY BROWN,
JOHN DAVIS, KENDA GRAY, AMABLE
TURNER, PATRICIA HENDERSON, and
BRIAN MOORE in their individual capacities,**

Defendants.

PLEASE TAKE NOTICE that upon the annexed Affidavit of Charles C. Spagnoli Supporting Defendant's Motion in Limine and for Protective Order dated April 23, 2012; Affidavit of James Kettrick Supporting Defendant's Motion in Limine and for Protective Order dated April 17, 2012; Defendant's Memorandum of Law Supporting Motion in Limine and for

Protective Order; Supplemental Affidavit of Charles C. Spagnoli Supporting Defendant's Motion in Limine and for Protective Order dated May 17, 2012; and Defendant's Supplemental Memorandum of Law Supporting Motion in Limine and for Protective Order, Defendant Indian River Central School District ("District") will move the Court, at the James Hanley Federal Building, 100 South Clinton Street, Syracuse, New York, at 10:00 a.m. on June 21, 2012, or as soon thereafter as Defendant District may be heard, for the following relief:

1. An Order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure protecting Defendants from further discovery, including written discovery or questions in depositions of parties or non-parties, concerning alleged acts of discrimination or harassment occurring in or in the vicinity of a facility or vehicle of the District – for example, the Indian River Central High School – at a time when Plaintiff Charles Pratt was not enrolled for instruction at and attending such facility or aboard such vehicle (the "Non-Pratt Environment Evidence");

2. An Order pursuant to Rule 26(c) striking Plaintiffs' May 14, 2012 Notice of Deposition pursuant to Rule 30(b)(6) and providing that any deposition pursuant to Rule 30(b)(6) be noticed and conducted with appropriate safeguards to protect Defendants from undue burden, expense, and prejudice; and,

3. An Order directing Plaintiffs to comply with and honor the decision and order of the Hon. George H. Lowe dated January 3, 2012 by refraining from seeking further discovery concerning Defendants' document preservation efforts and litigation hold procedures.

Defendant requests the opportunity for oral argument upon the instant motion.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Local Rule 7.1(b)(2) of the Court, answering papers, if any, shall be served on or before June 4, 2012.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Local Rule 7.1(b)(2) of the Court, Defendant requests leave to submit reply papers by June 15, 2012.

Dated: May 17, 2012
East Syracuse, New York

Respectfully submitted,

The Law Firm of Frank W. Miller

s/Charles C. Spagnoli, Esq.

Bar Roll No.: 507694

Attorneys for Defendants

Indian River Central School District;

Indian River Central School District

Board of Education; James Kettrick,

Superintendent of Indian River

Central School District, in his

official and individual capacities;

Troy Decker, Principal of Indian

River High School, in his official and

individual capacities; and Jay

Brown, John Davis, Kenda Gray,

Amable Turner, Patricia Henderson,

and Brian Moore, in their individual

capacities

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